# IN THE CIRCUIT AND SUPERIOR COURT OF DUBOIS COUNTY

| In the Matter of Dubois )   |
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| County Local Court Rules )  |
| NOTICE OF PROPOSED AMENDMENTS TO CURRENT RULES ON SPECIAL JUDGE ASSIGNMENTS, REQUEST FOR SUPREME COURT APPROVAL, AND FINDING GOOD CAUSE TO DEVIATE FROM ESTABLISHED SCHEDULED   |
| The judges of the Dubois Circuit Court and Dubois Superior Court give Notice of proposed local rule amendments under Trial Rule 81 (B), and find good cause under Trial Rule 81 (D) to deviate from the schedule established by the Division of State Court Administration for amending local rules. The courts propose amendments to the current rule on the appointment of a special judges in civil cases at <b>LR19-TR79</b> (H)-1 and in criminal cases at <b>LR19-CR2.2-1.5</b> . |
| Supreme Court approval is requested for these rule amendments. New language is shown by <u>underlining</u> and deleted language is shown by striking through.   |
| Comments may be made on these proposals until July 2, 2014 to: Hon. William E. Weikert, Dubois Circuit Court, or Hon. Mark R. McConnell, Dubois Superior Court, at One Courthouse Square, Jasper, IN 47546-3088, or by email at: <a href="mailto:dubcirct@psci.net">dubcirct@psci.net</a> . or <a href="mailto:superior1@psci.net">superior1@psci.net</a> .   |
| The effective date for the amended local court rules will be July 7, 2014.  |
| DATED this 2 <sup>nd</sup> day of June, 2014.   |
| /S/ /S/   |

# LR19-TR79 (H) - 1

# APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

| Pursuant to Indiana Trial Rule 79(H), the Dubois Circuit Court and the Dubois Superior                |
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| Court hereby adopt the following local rule for the appointment of a special judge upon approval      |
| by the Indiana Supreme Court.   |
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| 1. In the event a Special Judge must be appointed under Trial Rule 79(H), the presiding               |
| judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to |
| serve, then the presiding judge shall reassign the case by selecting the next judge in sequence       |
| from the list of judges who have agreed to serve as a Special Judge in the Dubois Circuit Court       |
| and Dubois Superior Court from the following courts:  |
|   |
| Perry Circuit Court   |
| ———Spencer Circuit Court  |
| — Martin Circuit Court  |
| ——————————————————————————————————————  |
| ——————————————————————————————————————  |
| Knox Circuit Court  |
|   |
| ——— Knox Superior Court #2  |
| — Pike Circuit Court  |
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|   |
| 2. Each Judge from the above list of judges shall be appointed on an equal number of cases.           |
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| 3. If no Judge specified under this rule is eligible to serve as Special Judge, or the particular     |
| circumstances of a case warrants selection of a Special Judge by the Indiana Supreme Court, the       |
| case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. [Trial       |
| Rule 79(H) (3)]   |

(A) If a motion for change of judge is granted or an order of disqualification is entered in a civil case, and a special judge is not appointed and qualified as provided in Indiana Trial Rule 79(D), pursuant to Indiana Trial Rule 79(H), a special judge shall be appointed on a rotating basis from the following list of presiding judges:

### **Dubois Circuit Court:**

| Judge, Daviess Circuit Court   |
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| Judge, Daviess Superior Court  |
| Judge, Dubois Superior Court   |
| Judge, Knox Circuit Court  |
| Judge, Knox Superior Court I   |
| Judge, Knox Superior Court II  |
| Judge, Martin Circuit Court  |
| Judge, Perry Circuit Court   |
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| Judge, Pike Circuit Court  |
| Judge, Spencer Circuit Court   |
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| Dubois Superior Court  |
| <b>Dubois Superior Court:</b>  |
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| Judge, Daviess Circuit Court   |
| Judge, Daviess Circuit Court  Judge, Daviess Superior Court  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court   |
| Judge, Daviess Circuit Court  Judge, Daviess Superior Court  Judge, Dubois Circuit Court  Judge, Knox Circuit Court  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I Judge, Knox Superior Court II  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I Judge, Knox Superior Court II  |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I Judge, Knox Superior Court II Judge, Martin Circuit Court                            |
| Judge, Daviess Circuit Court Judge, Daviess Superior Court Judge, Dubois Circuit Court Judge, Knox Circuit Court Judge, Knox Superior Court I Judge, Knox Superior Court II Judge, Martin Circuit Court Judge, Perry Circuit Court |

- (B) <u>The Court shall alternately select a judge for appointment as</u> special judge, on a rotating basis, from the list set forth in paragraph (A) of this rule, until all of the judges have been appointed an equal number of cases.
- (C) In the event no judge from the list set forth in paragraph (A) of this rule is available for appointment, or the particular circumstances in a case warrant selection of a special judge by the Indiana Supreme Court, the Court may request, pursuant to Indiana Trial Rule 79(H)(3), the Indiana Supreme Court to appoint a special judge.

### LR19-CR 2.2 - 1.5

### APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

If the judge before whom a case is pending in the Dubois Circuit or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that Judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts who have consented to serve:

| Perry Circuit Court  |
|--|
| Spencer Circuit Court  |
| Martin Circuit Court   |
| Daviess Circuit Court  |
| Daviess Superior Court   |
| Knox Circuit Court   |
| Knox Superior Court #1   |
| Knox Superior Court #2   |
| Pike Circuit Court   |
| In the event a judge is not available for assignment from the list or the particular             |
| circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, the |
| case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge      |
| pursuant to Criminal Rule 13(D).   |

If the judge before whom a case is pending in the Dubois Circuit Court or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post-Conviction Remedies, Recusal or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts who have consented to serve:

**Daviess Circuit Court** 

**Daviess Superior Court** 

**Knox Circuit Court** 

Knox Superior Court I

Knox Superior Court II

**Martin Circuit Court** 

Perry Circuit Court

Pike Circuit Court

Spencer Circuit Court

In the event a judge is not available for assignment from the list or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for the appointment of a special judge pursuant to Criminal Rule 13(D).